



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB5280**

Introduced 01/25/06, by Rep. Mike Boland

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/7-43  
10 ILCS 5/7-44

from Ch. 46, par. 7-43  
from Ch. 46, par. 7-44

Amends the Election Code to eliminate the requirement that a voter declare party affiliation when voting at a primary election. Provides that the voter shall receive the primary ballot of each of the established political parties nominating candidates for office at the primary election, but may cast a ballot of only one political party, except in certain cases involving statewide political parties and political parties established only within a political subdivision. Effective January 1, 2007.

LRB094 15854 JAM 51074 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 7-43 and 7-44 as follows:

6 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

7 Sec. 7-43. Every person having resided in this State 6  
8 months and in the precinct 30 days next preceding any primary  
9 therein who shall be a citizen of the United States of the age  
10 of 18 or more years, shall be entitled to vote at such primary.

11 The following regulations shall be applicable to  
12 primaries:

13 No person shall be entitled to vote at a primary:

14 ~~(a) Unless he declares his party affiliations as required~~  
15 ~~by this Article.~~

16 ~~(b) Who shall have signed the petition for nomination of a~~  
17 ~~candidate of any party with which he does not affiliate, when~~  
18 ~~such candidate is to be voted for at the primary.~~

19 (a) ~~(e)~~ Who shall have signed the nominating papers of an  
20 independent candidate for any office for which office  
21 candidates for nomination are to be voted for at such primary.

22 (b) ~~(e.5)~~ If that person has participated in the town  
23 political party caucus, under Section 45-50 of the Township  
24 Code, of another political party by signing an affidavit of  
25 voters attending the caucus within 45 days before the first day  
26 of the calendar month in which the primary is held.

27 ~~(d) If he has voted at a primary held under this Article 7~~  
28 ~~of another political party within a period of 23 calendar~~  
29 ~~months next preceding the calendar month in which such primary~~  
30 ~~is held: Provided, participation by a primary elector in a~~  
31 ~~primary of a political party which, under the provisions of~~  
32 ~~Section 7-2 of this Article, is a political party within a~~

1 ~~city, village or incorporated town or town only and entitled~~  
2 ~~hereunder to make nominations of candidates for city, village~~  
3 ~~or incorporated town or town offices only, and for no other~~  
4 ~~office or offices, shall not disqualify such primary elector~~  
5 ~~from participating in other primaries of his party: And,~~  
6 ~~provided, that no qualified voter shall be precluded from~~  
7 ~~participating in the primary of any purely city, village or~~  
8 ~~incorporated town or town political party under the provisions~~  
9 ~~of Section 7-2 of this Article by reason of such voter having~~  
10 ~~voted at the primary of another political party within a period~~  
11 ~~of 23 calendar months next preceding the calendar month in~~  
12 ~~which he seeks to participate is held.~~

13 (c) ~~(e)~~ In cities, villages and incorporated towns having a  
14 board of election commissioners only voters registered as  
15 provided by Article 6 of this Act shall be entitled to vote at  
16 such primary.

17 (d) ~~(f)~~ No person shall be entitled to vote at a primary  
18 unless he is registered under the provisions of Articles 4, 5  
19 or 6 of this Act, when his registration is required by any of  
20 said Articles to entitle him to vote at the election with  
21 reference to which the primary is held.

22 (Source: P.A. 89-331, eff. 8-17-95.)

23 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

24 Sec. 7-44. (a) Any person desiring to vote at a primary  
25 shall state his or her name and, residence ~~and party~~  
26 ~~affiliation~~ to the primary judges, one of whom shall thereupon  
27 announce the same in a distinct tone of voice, sufficiently  
28 loud to be heard by all persons in the polling place. When  
29 article 4, 5 or 6 is applicable the Certificate of Registered  
30 Voter therein prescribed shall be made and signed and the  
31 official poll record shall be made. If the person desiring to  
32 vote is not challenged, one of the primary judges shall give to  
33 him or her one, ~~and only one,~~ primary ballot of each of the  
34 established political parties nominating candidates for office  
35 at the primary election, but the voter may cast a ballot of

1 only one political party, except as otherwise provided in  
2 subsection (b) ~~party with which he declares himself affiliated,~~  
3 on the back of which the ~~such~~ primary judge shall endorse his  
4 or her initials in such manner that they may be seen when the  
5 primary ballot is properly folded. If the person desiring to  
6 vote is challenged he or she shall not receive a primary ballot  
7 from the primary judges until he or she shall have established  
8 his or her right to vote as ~~hereinafter~~ provided in this  
9 Article. ~~No person who refuses to state his party affiliation~~  
10 ~~shall be allowed to vote at a primary.~~

11 (b) A person who casts a ballot of ~~declares his party~~  
12 ~~affiliation with~~ a statewide established political party ~~and~~  
13 ~~requests a primary ballot of such party may nonetheless also~~  
14 ~~declare his affiliation with a political party established only~~  
15 ~~within a political subdivision, and~~ may also vote in the  
16 primary of a ~~such~~ local political party established only within  
17 a political subdivision on the same election day, provided that  
18 the ~~such~~ voter may not vote in both ~~such~~ party primaries with  
19 respect to offices of the same political subdivision. However,  
20 no person casting a ballot of ~~declaring his affiliation with~~ a  
21 statewide established political party may vote in the primary  
22 of any other statewide political party on the same election  
23 day. A space shall be provided on the primary ballot indicating  
24 for which political party the voter cast his or her votes and  
25 the voter may mark the space on the ballot of only one  
26 political party indicating that party, except as otherwise  
27 provided in this Section. If the voter desires to cast his or  
28 her ballot of a statewide political party and a political party  
29 established only within a political subdivision, the voter may  
30 indicate that choice by marking the space provided on the  
31 ballot of the statewide political party and by also marking the  
32 space provided on the ballot of the political party established  
33 only within a political subdivision. If the voter does not mark  
34 the space on the primary ballot indicating the political party  
35 in which the voter cast his or her ballot, or marks more than  
36 one such space, the judges of election shall count only the

1 votes of the political party in which the voter cast a vote for  
2 the office nearest the top of the ballot.

3 (Source: P.A. 81-1535.)

4 Section 99. Effective date. This Act takes effect January  
5 1, 2007.